

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, and  
THE STATE OF NEW YORK,  
ex rel. LAWRENCE KLEIN,

Plaintiffs,

-v-

1:11-CV-0035

EMPIRE EDUCATION CORPORATION and  
DOES 1-50,

Defendants.

APPEARANCES:

TULLY RINCKEY PLLC  
Attorneys for Plaintiff-Relator  
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HODGSON RUSS LLP  
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DAVID N. HURD  
United States District Judge

OF COUNSEL:

DOUGLAS J. ROSE, ESQ.

JOHN L. SINATRA, JR., ESQ.  
KEVIN J. ESPINOSA, ESQ.  
MICHELLE L. MEROLA, ESQ.

**ORDER OF DISMISSAL**

Plaintiff-relator Lawrence Klein ("Klein") recently a First Amended Complaint in this qui tam action against Empire Education Corporation ("Empire") and Does 1–50 pursuant to the federal False Claims Act and the New York False Claims Act. The United States and New York have elected not to intervene.

Klein now moves pursuant to Federal Rule of Civil Procedure 41(a)(2) for leave to dismiss the First Amended Complaint against Empire and Does I-50. Empire does not oppose.

Pursuant to 31 U.S.C. § 3730(b)(1) under which Klein was empowered to bring this suit, "[t]he action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." The United States has provided written consent to the dismissal of this matter without prejudice, in the interest of justice and in light of the previous notice that the United States declined to intervene in this matter.

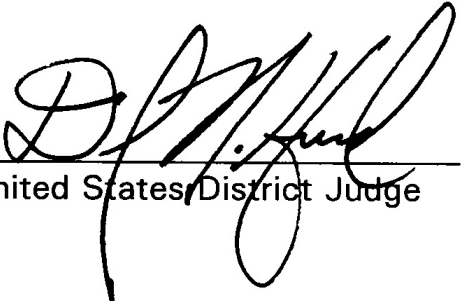
Accordingly, it is found that the proposed settlement of Klein's personal claim is fair and just, that the United States is not prejudiced by the dismissal of this action, and that the dismissal is in the best interests of judicial economy.

Therefore, it is

ORDERED that

Klein's First Amended Complaint is DISMISSED without prejudice as to the Government as to the First, Second, Third, Fourth, and Sixth Causes of Action, and with prejudice to Klein as to all Causes of Action.

IT IS SO ORDERED.



United States District Judge

Dated: December 13, 2013  
Utica, New York.